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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,216	09/07/2000	Jean-Paul Chollon	END9-2000-0105US1	1339
44755	7590	09/21/2005	EXAMINER	
SHELLEY M. BECKSTRAND 61 GLENMONT ROAD WOODLAWN, VA 24381			O'CONNOR, GERALD J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,216

Applicant(s)

Chollon et al.

Examiner

O'Connor

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 6, 2005 and June 30, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 15, and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 20, and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 25, 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: MPEP page 700-108

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment and arguments filed by applicant on April 6, 2005 in reply to the previous Office action on the merits, mailed January 7, 2005, and to the election filed by applicant on June 30, 2005 in reply to the Office action setting forth a requirement for restriction, mailed June 24, 2005.

2. The amendment of claims 1, 15, and 17-20 and cancellation of claims 14, 16, 22, and 23, in the reply filed by applicant on April 6, 2005, are hereby acknowledged.

Election/Restriction

3. Applicant's election of Invention I (claims 1-3, 20, and 21) in the reply filed June 30, 2005 is hereby acknowledged. Because applicant did not distinctly and specifically point out any supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

4. Claims 15 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed June 30, 2005.

Claim Rejections - 35 USC § 101

5. The following is a quotation of 35 U.S.C. 101:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-3, 20, and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-3, 20, and 21 are drawn merely to the production and/or manipulation of non-functional descriptive material, effecting no “useful, concrete, and tangible result.” It has been held that such claims, even if the non-functional descriptive material is claimed in combination with a computer-readable medium, are considered to comprise non-statutory subject matter, for merely manipulating an abstract idea. *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. (US 5,758,327).

Gardner et al. disclose a method for creating a valid chart of accounts from which an administrator of a local enterprise can facilitate and enable a requisitioner to select a valid account, comprising the steps of: establishing a communication link 30 with an external enterprise catalog computer system 12; transmitting 36 from the enterprise catalog computer system 12 a chart of accounts to a requisition catalog computer system database 10, it being deemed inherent that the format on the local enterprise system would be specified by the local system; selecting from the requisition catalog computer system database 10 valid accounts with descriptions for a given commodity (see, in particular, column 5, line 57, to column 6, line 13); and, associating 50 a selected account/description tuple with company commodity groups for use in a requisition creation process (see, in particular, column 6, lines 64-67), but Gardner et al. do not specifically disclose that the chart of accounts includes descriptions, nor that the valid accounts have a limited purchase period, nor presenting to the requisitioner a financial worksheet with valid general ledger account numbers and descriptions for selection by the requisitioner.

However, descriptions and valid periods (such as a name of the account and a particular valid fiscal year) for accounts are well known, hence obvious, elements to include in any system of requisitioning accounting so that the users know for what purpose each account is intended, or, in other words, providing a “mapping” or concordance between valid account codes/numbers and particular corresponding commodities/codes.

Likewise, presenting accounting data comprising charts of accounts in the form of a financial worksheet with valid general ledger account numbers and descriptions for selection by the requisitioner, is certainly well known, hence obvious, step to follow in the field of accounting.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Gardner et al., so as to include account descriptions and periods, as is well known to do, in order to facilitate selection of the proper account to which to charge a particular requisition, and to present to the requisitioner a financial worksheet with valid general ledger account numbers and descriptions for selection by the requisitioner, as is also well known to do, doing so simply as a matter of design choice, since making such modifications could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claim 2, the method of Gardner et al. includes the requisitioner 18 searching 40 against commodities and catalogs 24, 26, 28 in commodity description documents and, responsive thereto, creating one or more line items (see col. 5, line 61, to col. 6, line 13).

Regarding claims 3, 20, and 21, the method of Gardner et al. includes the requisitioner initiating a proceed to accounting process which displays lines item(s) selected by the requisitioner and an agent created financial worksheet (see, in particular, column 6, line 27, to column 9, line 56). Gardner et al. also disclose the use of commodity codes (see, in particular, column 5, lines 57-61), but do not specifically disclose the recited details of the descriptions of each commodity code. However, the recited elements of the commodity code descriptions are all well known, hence obvious, elements to use in any commodity code descriptions. Therefore,

it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have further modified the method of Gardner et al., if required, so as to include the particular non-functional descriptive material recited by the claim, in order to describe each particular commodity code in detail so as to facilitate selection of the proper commodity code, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

9. Applicant's arguments filed April 6, 2005 have been fully considered but are not persuasive.

10. Regarding the argument that claims 1-3, 20, and 21, as amended, are now tied to a technological art and have therefore overcome the rejection as non-statutory, the claims, as now amended, indeed do now require technology (i.e., are now tied to a technological art), but the claims are still considered to comprise non-statutory subject matter because the claimed method is merely a method of producing/manipulating particular non-functional descriptive material, which has been held to comprise merely manipulating an abstract idea. See *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994). In other words, particular non-functional descriptive material, such as a book, a photograph, or a musical recording (or, in this case, a list of pertinent financial accounts or billing codes, along with helpful descriptions), even if stored on a computer, may be appropriate subject matter for a copyright, but is not appropriate subject matter for a patent.

11. Regarding the argument that the instant invention, as disclosed in the specification, is patentable over the applied prior art, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the *claims* patentably distinguishes them from the references.

12. Regarding the argument that the examiner is basing the rejections on personal knowledge and should therefore provide an affidavit, no portion of any rejection of any of applicant's claims has been based on mere personal knowledge of the examiner, such as would be appropriate for an affidavit or declaration. However some rejections were/are based partially on *common* knowledge (official notice), as opposed to mere *personal* knowledge, which is something completely different. Please see MPEP § 2144.03, especially sub-section "C."

13. Regarding the arguments/remarks *vis-à-vis* MPEP §§ 707.02(j) and 707.03, the arguments/remarks have been entirely disregarded, since no such sections exist, and since it is completely unclear as to what other actual MPEP sections applicant may have intended to refer. In any event, a copy of the relevant page of the MPEP, showing the lack of any such sections, is attached hereto for applicant's reference.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to the disclosure.

15. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

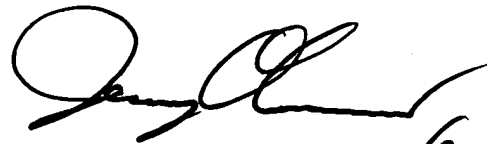
The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300.** Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

September 15, 2005



(9-15-05)

Gerald J. O'Connor
Primary Examiner
Group Art Unit 3627

707.01 Primary Examiner Indicates Action for New Assistant [R-2]

After the search has been completed, action is taken in the light of the references found. Where the assistant examiner has been in the Office but a short time, it is the duty of the primary examiner to review the application thoroughly. The usual procedure is for the assistant examiner to explain the invention and discuss the references which he or she regards as most pertinent. The primary examiner may indicate the action to be taken, whether restriction or election of species is to be required, or whether the claims are to be considered on their merits. If action on the merits is to be given, the >primary< examiner may indicate how the references are to be applied in cases where the claim is to be rejected, or authorize allowance if it is not met in the references and no further field of search is known.

707.02 Applications Up for Third Action and 5-Year Applications [R-2]

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent *>Office< action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort >should be< made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner.

707.05 Citation of References [R-2]

37 CFR 1.104. *Nature of examination.*

(d) *Citation of references.*

(1) If domestic patents are cited by the examiner, their numbers and dates, and the names of the patentees will be stated. If domestic patent application publications are cited by the exam-

iner, their publication number, publication date, and the names of the applicants will be stated. If foreign published applications or patents are cited, their nationality or country, numbers and dates, and the names of the patentees will be stated, and such other data will be furnished as may be necessary to enable the applicant, or in the case of a reexamination proceeding, the patent owner, to identify the published applications or patents cited. In citing foreign published applications or patents, in case only a part of the document is involved, the particular pages and sheets containing the parts relied upon will be identified. If printed publications are cited, the author (if any), title, date, pages or plates, and place of publication, or place where a copy can be found, will be given.

(2) When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

During the examination of an application or reexamination of a patent, the examiner should cite appropriate prior art which is nearest to the subject matter defined in the claims. When such prior art is cited, its pertinence should be explained.

The examiner must consider all the prior art references (alone and in combination) cited in the application or reexamination, including those cited by the applicant in a properly submitted Information Disclosure Statement. See MPEP § 609.

Form paragraph 7.96 may be used as an introductory sentence.

¶ 7.96 *Citation of Relevant Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. [1]

Examiner Note:

When such prior art is cited, its relevance should be explained in bracket 1 in accordance with MPEP § 707.05.

Effective June 8, 1995, Public Law 103-465 amended 35 U.S.C. 154 to change the term of a patent to 20 years measured from the filing date of the earliest U.S. application for which benefit under 35 U.S.C. 120, 121 or 365(c) is claimed. The 20-year patent term applies to all utility and plant patents issued on applications filed on or after June 8, 1995. As a result of the 20-year patent term, it is expected, in certain circumstances, that applicants may cancel their claim to priority by amending the specification to delete any references to prior applications. Therefore, examiners should search all applications based on the actual U.S. filing date of the application rather